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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,451

05/02/2005

Joachim Johansson

1505-1019-1

4136

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EXAMINER

GOEL, DINESH K

ART UNIT

PAPER NUMBER

4134

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,451	Applicant(s) JOHANSSON ET AL.	
	Examiner DINESH GOEL	Art Unit 4134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/2/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/2/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 19-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nag et al (U.S. Patent No. 7013338) and further in view of Patel (U.S Patent No. 6850764).

Referring to **claim 19** and corresponding device **claim 29**, Nag et al teaches method for allocating network resources within an IP network comprising the step of allocating at a first resource manager (Column 6 Line 43-60) reserved network resources controlled by at least a second resource manager (Column 6 Line 43-60) in advance before a session, that will use said resources, has started based on usage history statistics if available usage history statistics is applicable to said network resource reservation request (pre-allocated reservation). These concepts are described in Column 3 Line 58-67, Column 4 Line 1-30, Column 5 Line 49-56, Column 6 Line 43-60, Column 9 Line 9-32, and Column 10 Line 19-27.

The step of allocating network resources individually (an application session) for said requested network resource reservation if applicable usage history statistics is not available is further taught by Nag et al using media aggregation manager (Column 10 Line 28-63).

Nag et al does not specifically teach updating said usage history statistics based upon said individually allocated network resources. This is taught by Patel (Column 8, Line 6-18).

At the time of invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Patel with the teachings of Nag et al. The motivation would be to keep updating the usage history statistics for the new requests which would be available for pre-allocation of resources next time. That would allow more efficient process of allocating resources as taught by Nag et al (Column 1 Line 34-56).

Referring to **claim 20** and corresponding device **claim 30**, method according to claim 19, wherein the method comprises the further step of manual adjusting usage history statistics, is further taught by Nag et al (Column 4 Line 3-7).

Referring to **claim 21** and corresponding device **claim 31**, method according to claim 19, wherein said individually allocated network resources is allocated per reservation occasion is further taught by Nag et al (Column 10 Line 50-63).

Referring to **claim 22** and corresponding device **claim 32**, method according to claim 19, wherein said allocated reserved network resources is allocated based on usage history statistics per destination is further taught by Nag et al (Column 3 Line 58-67, Column 4 line 1-30).

Referring to **claim 23** and corresponding device **claim 33**, method according to claim 22, wherein the time interval between each occasion, which network resources are allocated based on usage history statistics, may either be equal for all destinations or differ between the destinations is further taught by Nag et al (Column 3 Line 58-67, Column 4 Line 1-3).

Referring to **claim 24** and corresponding device **claim 34**, method according to claim 22, wherein said allocation of reserved network resources is further based on statistics for individual services is further taught by Nag et al (Column 3 Line 58-67, Column 4 Line 1-30).

Referring to **claim 25** and corresponding device **claim 35**, method according to claim 19, wherein the usage history statistics comprises any of the parameters a peak value, an average value or a variance is further taught by Nag et al (Column 1 Line 60-64).

Referring to **claim 26** and corresponding device **claim 36**, method according to claim 19, wherein said first and/or second resource manager is implemented within a server or a router in said IP network is further taught by Nag et al (Column 2 Line 45-57).

Referring to **claim 27**, a computer program product directly loadable into a server and/or router within an IP network comprising the software code portions for performing the steps of claim 19 is further taught by Nag et al (Column 2 Line 45-57).

Referring to **claim 28**, a computer program product stored on a computer usable medium, comprising readable program for causing a processing means within a server and/or router within an IP network to control the execution of the steps of claim 19 is further taught by Nag et al (Column 2 Line 45-57).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINESH GOEL whose telephone number is (571)270-5201. The examiner can normally be reached on Monday-Friday 8:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lao, Lun-Yi can be reached on 571-272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. G./
Examiner, Art Unit 4134

/LUN-YI LAO/

Supervisory Patent Examiner, Art Unit 4134